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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Respondent,

No. CR S-99-0433 WBS GGH

12 vs.

13 SON VAN NGUYEN,

14 Movant.

ORDER

15 _____/
16 By order filed on June 1, 2010, respondent was directed to file an answer within
17 thirty days, along with all relevant transcripts or other documentation, in response to the 28
18 U.S.C. § 2255 motion to vacate, set aside or correct his sentence filed on April 12, 2010, by
19 movant, a federal prisoner proceeding pro se. Although the time for filing an answer has expired
20 with none forthcoming, at this time, respondent is relieved of the obligation to file an answer.

21 Movant has requested, as of August 19, 2010 ((docket # 1504), appointment of
22 counsel and he asks that Krista Hart be appointed to represent him on his § 2255 motion. It
23 appearing that appointment of counsel for movant may be appropriate, IT IS HEREBY
24 ORDERED that:

- 25 1. The order, filed on June 1, 2010 (docket # 1435), is hereby vacated;
26 2. Movant's motions for leave to supplement his § 2255 motion, filed on August

1 19, 2010 (docket # 1502), and to conduct discovery, filed on August 19, 2010 (docket # 1503),
2 are vacated without prejudice to being re-filed once counsel has been appointed;

3 3. The clerk shall copy the contents of this file and forward it to the Federal
4 Defender;

5 4. The Federal Defender shall advise whether movant qualifies for appointment
6 of counsel and shall recommend counsel to the court; thereafter,

7 5. A briefing schedule will be re-set in this matter.

8 DATED: August 25, 2010

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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